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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,386	03/20/2001	Christopher Richard Uhlik	15685P093	3491

45222 7590 10/10/2006

ARRAYCOMM/BLAKELY
12400 WILSHIRE BLVD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/813,386

Applicant(s)

UHLIK ET AL

Examiner

Naghmeh Mehrpour

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/24/06 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 4-8, 11-23, 25**, are rejected under 35 U.S.C. 102(e) as being anticipated by Kaplan et al. (US Publication 2002/0146129 A1).

Regarding **Claims 1, 13, 22**, Kaplan teaches a method comprising:

a communication device establishing a wireless communication session with a remote user terminal, the wireless communication session having associated therewith a first session time limit the communication device detecting a session renewal and the communication device altering the first session time limit in response to detecting the session renewal (0039, 0040).

Regarding **Claims 4, 11, 25**, Kaplan teaches a method wherein the session renewal is caused by the communication device detecting active data exchange between the remote user terminal and the, communication device prior to the lapse of the session time limit (0039. 0040).

Regarding **Claims 5, 12**, Kaplan teaches a method wherein the communication device altering the session time limit comprising the communication device extending the session time limit by a time limit is equal in duration to the original of the session time limit (0039, 0040).

Regarding **Claims 6-7, 14**, Kaplan teaches a method wherein communication device altering the session time limit comprises the communication device extending the session renewal is received by the communication device from the remote user (0039, 0040).

Regarding **Claims 8, 16**, Kaplan teaches a method comprising: a communication device providing a session to a remote user terminal, the session having associated therewith a first session time limit the communication device determining whether a session renewal has been generated; and upon lapse of the first session time limit, the communication device determining whether a session renewal has been generated; and if having determined that a session renewal has been generated, renewing the session for a second session time limit, and if having determined that a session renewal has not been generated, terminating the session (0039, 0040, 0041).

Regarding **Claims 15, 17, 23**, Kaplan teaches an apparatus wherein the session management means is coupled to the timing mechanism, and wherein the session management means altering the time in response to the predetermined condition comprises the session management means indicating to the timing mechanism to delay or extend the time limit in response to the predetermined condition (0039, 0040, 0041).

Regarding **Claim 18, 25**, Kaplan teaches a method wherein the session management means altering the time limit in response to the predetermined condition further includes the session management means detecting at least one channel utilized by the external entity for the data exchange (0039, 0040).

Regarding **Claim 19**, Kaplan teaches an apparatus wherein the session management means for altering the time limit in response to the predetermined condition (0039, 0040, 0041).

Regarding **Claims 20-21**, Kaplan teaches an apparatus wherein network congestion is characterized at least in part by a number of session open channels that are active (0041).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 2-3, 9-10, 24**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan et al. (US Publication 2002/0146129 A1) in view of Mustafa (US Publication 2002/0087716).

Regarding **Claims 2-3**, Kaplan fails to teach a method wherein the communication device detecting a session renewal further comprises device receiving session renewal is caused by a priority status associated with the remote user terminal. However, Mustafa teaches a method wherein the communication device detecting a session renewal further comprises device receiving session renewal is caused by a priority

status associated with the remote user terminal (0007). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Mustafa with Kaplan, in order to provide a technique that can support customized priority services to the data link frames transmitted simultaneously over single or multiple communication links where the involved link(s) exhibits different and diverse network characteristics such as interrupting the transmission of a low priority frame in the presence of a high priority frame in real time at the data link communication layer.

Regarding **Claims 9-10**, Kaplan fails to teach a method wherein the communication device determining whether a session renewal has been generated further comprises the communication device receiving an indication of the priority status from the remote user terminal. However, Mustafa teaches a method wherein the communication device determining whether a session renewal has been generated further comprises the communication device receiving an indication of the priority status from the remote user terminal (0007). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Mustafa with Kaplan, in order to provide a technique that can support customized priority services to the data link frames transmitted simultaneously over single or multiple communication links where the involved link(s) exhibits different and diverse network characteristics such as interrupting the transmission of a low priority frame in the presence of a high priority frame in real time at the data link communication layer.

Regarding **Claim 24**, Kaplan fails to specifically mention that the apparatus time limit is determined based at least in part on a quality of service (checking the error) parameter of the external entity. However, Mustafa teaches an apparatus wherein time limit is determined based at least in part on a quality of service (checking the error) parameter of the external entity ((0007)). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Mustafa with Kaplan, in order to provide a technique that can support customized priority services to the data link frames transmitted simultaneously over single or multiple communication links where the involved link(s) exhibits different and diverse network characteristics such as interrupting the transmission of a low priority frame in the presence of a high priority frame in real time at the data link communication layer.

Response to Arguments

5. Applicant's arguments with respect to claim 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

September 29, 2006



MELODY M. H. GOU
PATENT EXAMINER